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ABSTRACT

A study examined the trial of People v. Tien (two Vietnamese brothers named defendants in an assault case). In order to understand better the relationship between supportive speech acts and credibility, the study examined how the attorney elicited vivid testimony. One of the ways in which an attorney yields control of testimony to a witness is by asking indirect, open-ended questions. This floor-yielding strategy suggests to jurors that the attorney has total confidence in the competence of the witness to speak for her/himself. When an attorney presses for additional information (regardless of the form of the question), the time of the turn-at-talk is increased similarly, suggesting confidence in the ability of the witness to deliver credible testimony. Given the preponderance of evidence against them, coupled with ineffective verbal and nonverbal communication skills in English, conviction would not have been a surprising outcome. The defense plan was grounded on a vivid refutation of all motives for the crime that had been suggested by the prosecutor. The defendant and attorney collaborated in an incremental team presentation of detailed images of discrimination and difficulty of adjustment to life in the United States which made the assault charges seem ludicrous and the claim of self-defense credible. Testimony demonstrated incongruity between the prosecution's and the defendants' explanations. Microanalysis of the legal transcript supports the claim that vividness effect has psychological reality and that vivid events have the power to influence subsequent judgments. (Fifteen references are attached.) (RAE)

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Another Look at Vividness in the Trial of Two Vietnamese Brothers

Abstract

Vividness effect asks the question whether or not vivid events have any impact on subsequent evaluations. The microanalysis of People v. Tien points to the psychological reality of the effect of vividness. The defense attorney and defendants interacted to present testimony which vividly described how the experience of discrimination created a mindset which prompted the defendants to act in self defense. In the context of this vivid testimony the contention of the prosecution that the co-defendants intentionally committed felonious assault seemed absurd and noncredible. Even though these results are not precisely calibrated in an experimental design, they support the importance of vividness for evaluation as has been widely suggested in the literature.

I. Goal of the Study and Related Studies

This paper considers how a defense attorney creates a climate of encouragement and support for collaborating with a foreign witness in the elicitation of credible testimony. The study examines the trial of People v Tien. The entire opening statements and final arguments of both attornies as well as fifty pages of the direct testimony of the defendants and major witnesses constitute the corpus for study. In order to better understand the relationship between supportive speech acts and credibility, this study examines how the attorney elicits vivid testimony.

Examining witnesses continues to generate great research interest. To illustrate, in 1976 the NWAVE Conference [New Ways of Analyzing Variation in English] at Georgetown University exclusively considered language in the courtroom. In 1983, the Speech Communication Association sponsored a conference at the University of Arizona on

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communication strategies in the practice of lawyering. (See Matlon and Crawford.) These are but two of the many professional organizations that have devoted journal issues and entire conferences to the study of courtroom communication. The work of the O'Barr group at Duke provided many insights for how the language of an attorney could empower a defendant's perceived credibility with jurors. The group also looked at what features in the language of witnesses were regarded as counterproductive and powerless. For framing the larger issue of supportive, help-giving behavior, the recommendations and suggestions of Labov and Fanchel in Therapeutic Discourse are useful and pertinent for the analysis of help giving behavior in the courtroom. The quality shared by both therapy and testimony is getting the client to help herself/ himself. Danet developed a functional typology of courtroom questioning which anaylzed how various types of attorney questions control and constrain the way in which a witness will respond. The findings of the Danet group suggested that the attorney had an instrumental role in the co-creation of testimony with the witness.

Several sources on courtroom communication specifically examine vividness effect. A common directive found in many trial tactics manuals is "the more complete and detailed the description, the more convincing it will be" (Loftus et. al, 1983, 299). Nisbett and Ross (1980, 190) similarly concur that "vivid information may have a disproportionate impact on beliefs and inferences." This observation is reiterated in several other sources including Zimmerman (1983, 348) who observes: "An important goal of the advocate is salience of information, developing content that is striking and memorable, that will not "get lost" in the flood of competing messages, that will stand out as significant when the jury deliberates." What is meant by "salience of information" will be explored in greater detail in this paper. What all these studies on witness examination share is the concern for how attorney-client interactions affect perceived credibility.

II. Background of the case

On July 4, 1985, two brothers went to their favorite fishing hole to pursue a relished pasttime. When they got to Fitzgerald Park in Grand Ledge, Michigan, they discovered they were out of bait. It just so happened that the brothers were Vietnamese. They had immigrated to the U.S. five years earlier, sponsored by a local church. Their reception in Grand Ledge had not been entirely warm. The brothers drove to a party

store at the edge of the park. While one brother purchased bait, the other waited in the car. He noticed a pickup truck nearby with a couple he recognized from around town. The Anglo driver began to shout and gesture obscenities at him. Intimidated, the Vietnamese man went into the party store to avoid trouble. When the brothers came out of the store the pickup was gone and the incident, which was a common occurrence for them, forgotten.

They returned to their favorite fishing hole, little noticing the same pickup parked nearby. The Anglo must have assumed that they were "looking for trouble" and coming after him in retaliation. He leapt out of the truck and went running over to the vehicle. Kiet saw him coming in the rearview mirror and started to get out of the car to see what was the matter, but the Anglo kicked the door shut trapping Kiet's leg. There was a scuffle when Thong Tien got out and shoved the Anglo. The Anglo ran off and came back with three other men all carrying pop and beer bottles. Fearing for their lives, the Vietnamese brothers went to the trunk and took out the tire iron and jack. Witnesses hearing the Anglo man's cries for help had summoned the park attendant who called the Grand Ledge police. The police arrived and assumed the Vietnamese brothers were the aggressors. The Vietnamese brothers were charged with felonius assault by the Anglo but eventually they were acquitted.

III. Vividness

The strategy which serves as the primary vehicle for presentation of arguments for the defense in this case is the cumulation of arguments from vivid testimony. Although all of us can agree that recounting vivid events potentially has more power of impact than talking about commonplace events, experimental results measuring vividness effect have been disappointing and the findings of these studies counterintuitive. Taylor and Thompson (1982), in their comprehensive study of vividness, conclude that experimental studies of vividness have been plagued by problems both in conceptualization and operationalization. At the level of conceptualization, they observe that perception of vividness as an isolated communication characteristic rather than as a condition that emerges from interaction of participants is a basic problem inherent in earlier research.

A second limitation manifested in previous studies which attempt to single out vividness for measurement is that people react to a complex of features of messages not necessarily just those features that researchers attempt to isolate in any controlled study. Thus, people may be persuaded

or fail to be persuaded by a message, not because of the vividness of the presentation of information or lack of vividness, but because there is some other factor which is personally salient to the subject (i.e. source credibility, attractiveness and dynamism of the source, the effects of emotional contagion, interest in the particular topic, primacy effect, negativity effect, etc.), and it is possible that these features, rather than vividness, mediate the persuasiveness of the message.

Along these lines, Taylor and Thompson suggest that the prior attitudes of a subject to the topic being discussed can mediate susceptibility to vivid communication. Thus, strongly held opinions are less susceptible to vivid messages than forming opinions, an observation which is confirmed widely in the supportive literature (McGuire 1968).

The final limitation in the research design of earlier studies that Taylor and Thompson map out is that experimental studies have been inadequate in recreating situations of differential attention which is an important feature for vividness. In any laboratory experiment, the researcher has the undivided attention of the subject, but, in no way, does this situation parallel real life where multiple stimuli compete for attention. Vivid details contrast with the commonplace and stand out in the receiver's imagination. So far, experimental research has not been able to recreate this condition.

Following Taylor and Thompson's recommendations, a study which would attempt to access vividness effect, at the very minimum, should be interactional rather than one dimensional. It should focus on the persuasiveness of the message rather than on characteristics of the person delivering the message. Prior attitudes of participants should be measured and the study should be as naturalistic as possible.

It is interesting to note that one of the few studies to yield significant results for vividness effect is a legal study comparing the effect of weak arguments contrasted with vivid arguments (Reyes et. al. 1980). The study found that "information which is disproportionately available in memory will have a correspondingly disproportionate impact on evaluative judgments. In a mock jury decision, subjects recalled more vivid evidence and more evidence that disagreed with the defendant's favorableness" (1980, 2). [In the favorableness variable, the defendant was described as either "warm and friendly" or "cold and unfriendly.] Citing Anderson (1976), Begg & Paivio (1969), Holmes & Langford (1976), and Paivio (1971), Reyes et. al. hypothesize that vivid information will be remembered better than abstractions. Overall, subjects recalled a higher

proportion of the prosecution's vivid arguments compared to the defense's vivid arguments but both recalls were at a level of significance. Subjects also disproportionately recalled arguments that were inconsistent with what they had been told about the favorableness of the defendant--that is, in the "good guy" condition, subjects recalled more vivid prosecution arguments than in the "bad guy" condition. This study showed that people are more likely to recall arguments made by either attorney that are incongruent with the subjects' initial impression of the defendant--that jurors are likely to recall incongruent information when they are making judgments about the guilt or innocence of a defendant. Taking these findings one step further, the implication of Reyes' study is that when an attorney is able to convincingly demonstrate incongruity between apparent evidence and verifiable facts, the attorney will have an improved chance of either conviction or acquittal of the defendant.

IV. Vividness in the trial of two Vietnamese defendants

Vividness plays an important role in People v. Tien. The defense attorney goes to great lengths to consistently elicit testimony that is as vivid as possible not just from the defendants but from all witnesses for the defense. For example, the defense attorney doesn't just ask whether the defendant has experienced discrimination. The defendant is asked to describe every instance of discrimination that he has experienced. The defense attorney presses the defendant for specific details in order to show the state of mind of the defendants at the time of the incident. Illustrating fearful state of mind is critical to an argument of self defense. The transcript of People v. Tien epitomizes the four recommendations of Taylor and Thompson for how vividness ought best be studied even though the current study is not experimental. This study is a microanalysis of the verbatim transcript of an actual trial rather than a mock trial. Elicitation of testimony in a court of law, by its very definition, must be interactional. In the district court where this trial was conducted all testimony was recorded on a high speed tape recorder. Although Mighigan law proscribes obtaining a copy of the tape, the researcher obtained permission to listen to the audio recordings of the entire trial. The official verbatim transcript focusses on the content of the message rather than on problems in language fluency or other difficulties in delivery of the message that resulted from cultural differences. A verbatim transcript is not an exact, precise conversational transcript but listening to the audio tapes made up for some of the deficiencies in transcription. We also know from the voir

dire that both attorneys went to some trouble to select jurors who would not be biased against the defendants. We know that the jurors delivered an acquittal.

Furthermore, there is a direct linkage between the analysis in this study and the findings of Reyes et. al.(1980). The core of the prosecution's argument for proving that these defendants committed the crime was to portray them as petulant, oversensitive troublemakers carrying a chip on their shoulders and overreacting to racial innuendos with disproportionate violence (i.e. seeking retaliation against obscene remark, aggressively wielding a tire iron and jack). The elicitation of vivid testimony from witnesses by the defense resulted in incongruence in the portrayal of these defendants as "bad guys." Reyes et. al. have already shown that incongruencies are significant for jurors in their verdict making.

Along these lines, let's examine how vividness functions in the testimony of People v Tien. As mentioned at the outset of this paper, the odds are stacked unfavorably against the defendants. It looks very bad for them going into the trial even though they profess complete innocence of charges against them--charges, by the way, which carry a potential for heavy prison sentence. But their defense attorney has determined a careful strategy for eliciting testimony to demonstrate their innocence. By a cumulative crescendo of vivid images, their attorney is able to credibly establish their claim, for once and for all, that they are innocent victims both of unfair charges and an unfair system. Let us examine how this is accomplished.

Consider the impact of this vivid image. The defense attorney calls the wife of the defendant to the stand and elicits the following testimony. (Michigan v Thong thieu Tien, File No 85-230 FH, pp. 11-14)

Q: What happened in January of '84?

A: We had four--four young guys break into our house.

Q: Where were you at the time? You and your husband?

A: We were in the living room watching tv.

Q: This was New Years Eve. Why didn't you go out on New Years Eve?

A: Well, I was pregnant at the time so I--you know, I really didn't--I wasn't in the mood to go out and celebrate, but after what happened on Christmas eve, I was scared. I just--I didn't wanna go out for fear that something else might happen.

Q: What happened that night?
A: We had a car pull up in front of our house and two--two of the guys came and knocked on the door and they wanted--they--they told me that they wanted to talk to my Chinese husband and all the rest of the Chinks that were in the house
Q: What happened then? Continue on please.
A: After they asked for my Chinese husband, I said, no, just forget it, you know, and shut the door and locked it. And the next thing I know they started yelling and taking knives and beating on the window and the next thing I know the window broke out--the storm door broke out and then the side window broke out as I was talking to the police department.
Q: Where was your husband?
A: Just basically standing in the middle of the living room. He really didn't know what was going on.
Q: Did he run for a weapon or anything?
A: Not that I know of.
Q: Was your husband frightened?
A: Yes.
Q: Did they say anything? Did they make any threats, these four people?
A: Just that they wanted to kill him, and then out in the street when the police had arrived they just kept saying that they should put him on a --put them on a boat and send 'em back to the country that they came from and that they were taking their jobs away from 'em.

This excerpt from testimony illustrates that the witness has some powerful material which the defense attorney can elicit to show both the state of mind and justifiable fear of the defendants and the climate of prejudice against them in the community. The vivid image that the testimony reinforces for the jurors is that people, in the sanctuary of their homes, should not be subjected to the terror of furniture crashing through windows and death threats. It is a poignant image because we learn that, even in the face of this violent intrusion to domestic tranquility, the defendant reacts almost passively conditioned by fear and discrimination. This contradicts the prosecutor's portrayal of the defendants as quarrelsome troublemakers. Both popular and scholarly psychoanalytic and criminal justice literatures are replete with the personal outrage that

individuals experience when either their person or property is violated by crime. Jurors can easily identify with this outrageous act that the wife of the defendant describes in her testimony, This is just step one in the development of vividness.

The defense attorney calls the primary defendant to the stand. Once again, the attorney relies on the crescendo effect to reinforce vividness. Testimony begins with neutral background information and quickly shifts to a cornerstone illustrator that these defendants are not quarrelsome individuals as the prosecution has alleged. The attorney elicits this important argument through the following exchange.

(People v Tien, Docut No. 85-230 FH, May 14, 1986, pp. 7-9)

Q: What age were you when you left Vietnam?
A: I was 17, 17 years old.
Q: And Vietnam already--had--the Americans were already out of Vietnam by that time?
A: Yeah.
Q: Well, when you left Vietnam, where did you go?
A: Our family and a friend, my family friend and we bought a sailboat about from here to the bench.
Q: From the--here to this first row of--okay.
A: Yeah, and 'bout bigger than this size. We have--we have 48 people to flee the country.
Q: Where did the boat end up?
A: The boat end up in Macao, I mean 15 mile from Hong Kong.
Q: Macao?
A: Macao.
Q: You were on a boat from where you are to this first row of seats and there were how many people on that boat?
A: Forty-eight people.
Q: How long were you on that boat?
A: Seventy day.
Q: How long?
A: Seventy day.
Q: Seventy days?
A: Seventy day.
Q: In that seventy days did you ever get in any fights with anybody?
A: No.

Under the best of conditions, in a large seaworthy vessel, the trip from Vietnam to Macao is a long journey of several hundred miles through shark infested,treacherous waters with some of the world's greatest ocean depths. The picture of 48 fearful people crammed onto a small fishing boat making this uncertain trip is a vivid one. By this example, the defense attorney powerfully illustrates that these men are not trouble-makers or thrill seeking punks cruising around a peaceful small town picking fights but fearful men socialized through intimidation. The vivid images evoked by strategically designed elicitation of testimony of the defense attorney begin to piggyback in quick succession over two days of testimony further fortifying the credibility of the defendants' claim that they were acting in self defense rather than the charged felonious assault.

As another illustrator of the contention that the defense intentionally elicits vivid testimony to drive home the argument that continual discrimination has exacerbated difficulty of adjustment to life in an adopted country, consider the following testimony.

(People v Tien, Docut No. 85-230 FH, May 14, 1986, pp. 5-6 & 9-10)

Q: Would you explain to the jury what your experiences were as far as being a student at Grand Ledge High School?

A: Oh, when it was go to school and I knew my English wasn't that good. I I when I come to America this is my first year at this school, you know. I start from ABC up, then I got a lot of harassment from the other student. They--they'd walk by us, they call us name commie name and spit, you know

Q: Excuse me, what would they call you?

A: Chink.

Q: Chinks?

A: Yeah, chink and jap and some--some other name they could think of, you know.

Q: Anything they could think of?

A: Yeah.

Q: All right. And did you also say they would spit at you?

A: Yeah, they--they spit and they--they laugh, kinda make real dirty looks, they--to me they feel like I wasn't--I wasn't supposed to belong to the school, like that.

Q: Pardon?

A: I mean to what I feel, you know, and it just really didn't, which mean--which mean I wasn't really supposed to belong to the school.

Q: Why did you leave high school in the eleventh grade?
A: I wasn't planning leaving high school to go out I got TB, so
Q: TB, tuberculosis?
A: Yeah, some of that, so--and every day my brother and my cousin go to school they spit on them, you know, say I'm the one did that, you know, made other people, you know--
Q: Were you--were you--excuse me--was there a period of time then, that you were not able to attend school?
A: Oh, I tried come back school, but I was really afraid that people, you know, will--
Q: You were afraid--just--just take your time, Tien, so that they can--
A: All right.
Q: --just take your time. You were--you were afraid for what reason?
A: There a lot of reasons, because afraid people would, you know, like try to kick me out of their class or--
Q: Well, let me go back, let's go back. As a result of you being diagnosed as having TB--
A: Yeah?
Q: --did other students in the school have to take tests?
A: Yes.

These are two among several specific examples of discrimination that the attorney elicits from this defendant. Just in case the jurors have missed the point he is trying to make, the attorney also asks other witnesses to describe any instances of discrimination that they know about.

(People v Tien, Testimony of Christina Tien, pp. 4-5)
Q: Now, you testified that there was also--there were also incidents prior to 19--or December 24th, 1984. Is that so?
A: Yes.
Q: Okay, what happened prior to December, 1984?
A: In May of--let's see, '83, before Kiet and I got married, his brother was walking home from school and a truck went by him and backed up and then stopped and jumped out of the truck and hit his brother for no reason. And he came home and he had a black eye. And we went to the police station to file reports. Nothin'--nothin' ever became of it.

Q: Did you have the name of the person who struck the young brother?
A: Yes, we did.
Q: How do you know who it was that jumped out of the truck and hit 'em?
A: I don't. Cuong came home and looked at my yearbook and seen the same guy. He knew his brother. His brother was in the same class. That's the only way we knew.
Q: And did you talk to the police station about--police about that?
A: Yes, we did. We went down there, we filed the reports that we needed to file.
Q: And what happened as a result of it?
A: Nothing. We--the police pulled up in front of our apartment that we were livin' at at the time and said that there was no person by that name.
Q: Did you tell them that there was?
A: Yes.
Q: So there were no arrests ever made?
A: No.

Through elicitation of these vivid images, the defense amasses convincing evidence for state of fear leading to self defense. The defense team scores credibility points again and again by specifically recounting instances of discrimination and by strategic questions which elicit relevant details. The acquittal suggests that this is a successful strategy.

The final arguments of the defense are similarly characterized by vividness. The attorney begins the closing statement by walking up to the jury box and holding up an antique gold watch. He says that he will use this watch to time his presentation, and, by the way, the watch belonged to his late grandfather who was an immigrant to this land and who had to struggle just like the defendants. This is showmanship but the point it makes is a vivid one with the watch left on the rail of the jury box as a reminder. The conclusion of the defense is calculated for impact. He says:

Well, that about wraps it up. You have to consider their background. Spit upon, spit at, hit in the face, called obscenities, the security of their home breached one night, daily threats, harassment at work. Get on the boat, go back where you came

from, you're taking other people's jobs, the daily intimidations and the police have been called before. There's been a lot of testimony to that effect. The police have been called before and they weren't able to do they weren't able to do 'em any good. You can't have a policeman by your side all the time, don't have enough policemen.

Well, when is it gonna end? Does it end here? Does it end five years from now, ten years from now, fifteen years from now? Does it end with their children? Well, it--it's--it's corny for me. I want to quote you something. [He reads a passage from the Declaration of Independence.] "entitled to unalienable rights--including life, liberty, and the pursuit of happiness" You know, we don't always reach the lofty standards we set for ourselves as a country. They're beautiful words with beautiful intentions--- we don't always reach 'em, but are they not there for us to reach?

These images engender indignation against racism and anger against the humiliation that these people have been forced to suffer by unfair circumstances. The final statement is not just an unfounded assertion by the defense. He has carefully elicited example after example and these claims have not been challenged by the prosecution. Thus, when the defense attorney concludes that these defendants feared for their lives and acted in self defense against what they perceived as aggression, jurors can believe this argument.

V. Conclusions

One of the ways in which an attorney yields control of testimony to a witness is by asking indirect, open-ended questions. This floor yielding strategy suggests to jurors that the attorney had total confidence in the competence of this witness to speak for her/himself (O'Barr). When an attorney presses for additional information (regardless of the form of the question), the time of the turn-at-talk is increased similarly suggesting confidence in the ability of this witness to deliver credible testimony.

Given the preponderance of evidence against them coupled with ineffective verbal and nonverbal communication skills in English, conviction would not have been a surprising outcome. The defense plan is grounded on a vivid refutation of all motives for the crime that have been suggested by the prosecutor. The defendant and attorney collaborate in an

incremental team presentation of detailed images of discrimination and difficulty of adjustment to life in the U.S. which make the assault charges seem ludicrous and the claim of self defense credible. The testimony has demonstrated incongruity between the prosecution's explanation and the defendants. This microanalysis of this legal transcript supports the claim that vividness effect has psychological reality and that vivid events have the power to influence subsequent judgments.

Sources

Anderson, J. R. 1976. Language, memory, and thought. Hillsdale, N.J.: Erlbaum.

Begg, I. & Paivio, A. 1969. Concreteness and imagery in sentence meaning. Journal of Verbal Learning and Verbal Behavior, 8, 831-837.

Danet, Brenda et. al. 1976. An ethnography of questioning in the courtroom. Paper delivered at the Fifth Annual Colloquium on New Ways of Analyzing Variation in English, Georgetown University, Washington, D.C.

Holmes, V. M. & Langford, J. 1976. Comprehension and recall of abstract and concrete sentences. Journal of Verbal Learning and Verbal Behavior,15, 559-566.

Labov, William & Fanshel, David. 1977. Therapeutic Discourse. New York: Academic Press.

Loftus, Elizabeth, Goodman, Jane, Nagatkin, Chris. 1983. Examining Witnesses-- Good advice and bad. In R. Matlon et. al. (Eds.) Communication strategies in the practice of lawyering. Annandale, Va.: Speech Communication Association, 292-317.

Matlon, Ronald J., Crawford, Richard J. 1983. Communication strategies in the practice of lawyering: Conference proceedings. Annandale, Va.: Speech Communication Association.

McGuire, W. J. 1968. Nature of attitudes and attitude change. In G. Lindzey & E. Arson (Eds.), Handbook of social psychology(2nd ed.). Reading, Mass.: Addison-Wesley.

Nisbett, R. and Ross, L. 1980. Human inferences: Strategies and shortcomings of social judgment. Englewood Cliffs: Prentice Hall.

O'Barr, William. 1982. Linguistic evidence: Language, power and strategy in the courtroom. New York: Academic Press

Paivio, A. 1971. Imagery and verbal process. New York: Holt, Rinehart & Winston.

People of the State of Michigan versus Kiet and Thong Tien, Docut No. 85-230 FH, May 14, 1986

Reyes, R. M., Thompson, W. L. & Bower, G. H. 1980. Judgmental biases resulting from differing availabilities of arguments. Journal of Personality and Social Psychology, 39, 2-12.

Taylor, Shelley E., Thompson, Suzanne C. 1982. Stalking the Elusive "Vividness" Effect. Psychological Review, 89, 2, 155-181.

Zimmerman, Gordon I. 1983. Communication strategies and research needs in direct and cross examination. In R. Matlon et. al. (Eds.) Communication strategies in the practice of lawyering. Annandale, Va.: Speech Communication Association, 343-352.